

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

United States of America,

Plaintiff,

v.

Criminal Case No. 76-CR-80648

Arnold Demetrius Allen,

Honorable Sean F. Cox

Defendant.

**ORDER DENYING DEFENDANT'S SECOND REQUEST FOR
EXPUNGEMENT OF CRIMINAL RECORD**

This matter is currently before the Court on a *pro se* motion filed by Defendant Arnold Demetrius Allen (“Allen”) wherein he asks this Court to expunge his criminal record. The Court finds that neither oral argument nor a response from Government would aid the decisional process. *See* Local Rule 7.1(e)(2), U.S. District Court, Eastern District of Michigan. Because Allen has not shown extraordinary circumstances that would warrant the requested relief, his motion shall be **DENIED**.

Allen filed the instant motion on December 1, 2015. This Court notes that this is second such motion Allen has filed in this action. His first Motion for Expungement was denied by the Honorable Lawrence P. Zatkoff – the judge who presided over Allen’s criminal case – in an Order issued on January 4, 1996. Because Judge Zatkoff has since passed away, the matter was been reassigned to the undersigned.

The Sixth Circuit has held that “[i]t is within the inherent equitable powers of a federal court to order the expungement of a record in an appropriate case.” *United States v. Doe*, 556

F.2d 391, 393 (6th Cir. 1977). However, it has also held that because the government has a strong interest in maintaining their records, “the expungement power is narrow and appropriately used only in extreme circumstances.” *United States v. Robinson*, 79 F.3d 1149 (6th Cir. 1996). Thus, “[e]xpungement is a rare form of relief, ordered in very few cases.” *United States v. Lucido*, 2009 WL 728526 (E.D. Mich. 2009).

“The view among the federal courts is that records of valid arrests, indictments or convictions ordinarily may not be expunged.” *United States v. Flagg*, 178 F.Supp.2d 903, 905 (S.D. Ohio 2001). Having reviewed Allen’s motion, the Court concludes that Allen has not established that any extraordinary circumstances warrant the expungement of his criminal record in this action.

Accordingly, IT IS ORDERED that Allen’s Motion for Expungement is DENIED.

Dated: December 14, 2015

s/ Sean F. Cox
Sean F. Cox
U. S. District Judge

I hereby certify that on December 14, 2015 a copy of the foregoing document was served upon counsel of record via electronic means and upon Arnold Demetrius Allen via First Class Mail at the address below:

Arnold Demetrius Allen
28584 Lorraine Drive
Farmington Hills, MI 48336

s/ Jennifer McCoy
Case Manager